



**CITY OF SANTA BARBARA
CREEKS RESTORATION/WATER QUALITY IMPROVEMENT
CITIZENS ADVISORY COMMITTEE MINUTES**

REGULAR MEETING

December 16, 2009

DAVID GEBHARD PUBLIC MEETING ROOM, 630 GARDEN STREET

CALL TO ORDER

Chair Moldaver called the meeting to order at 5:33 pm.

ROLL CALL

Committee members present: Chair Moldaver, Michael Jordan, Paul Bullock, Roger Schlueter, Daniel Wilson

Committee members absent: Natasha Lohmus

Liaison members present: None

Liaison members absent: Councilmember Iya Falcone, Park and Recreation Commissioner Daniel Hochman, Planning Commissioner John Jostes

Staff present: Creeks Restoration/Clean Water Manager Cameron Benson, Creeks Code Enforcement Officer Jim Rumbley, Creeks Outreach Coordinator Liz Smith, Creeks Program Assistant Julie Kahrnoff

APPROVAL OF MINUTES

Motion:

Committee members Schlueter/Wilson to approve the minutes of the regular meeting of November 18, 2009.

Vote:

Voice Vote 4/0; Bullock abstained.

AGENDA ADJUSTMENTS

Mr. Benson announced that Ms. Betsy Weber was appointed to the Committee by the City Council and that she will be joining the Creeks Advisory Committee at the January 13th meeting; that Mr. Jordan will be unable to serve as Chair of the Committee in 2010 as he was recently appointed to the City Planning Commission; and, that Chair Moldaver will serve as Chair until the position is filled.

PUBLIC COMMENT

Mr. and Mrs. Gary and Michelle Rosenfeld described their efforts to return Arroyo Burro Creek to its natural habitat on their property; noted that as private property owners they cannot cover all the costs of a major creek side stabilization on the slipping hillside by their home; that while they are appreciative of the City's Creek Tree Program, it does not provide any bank stabilization; and, suggested that there should be more support for

all residents who live along the creeks, and a way for the City to partner with private landowners.

Mr. Moldaver expressed his appreciation of Mr. and Mrs. Rosenfeld's concerns, interest, and enthusiasm; noted that the Committee cannot reply to or act upon public comment; and, noted that if several neighbors along the creek were interested in a large scale restoration, the Creek Tree Program may still work in their favor.

COMMITTEE MEMBER AND STAFF COMMUNICATIONS

Mr. Wilson expressed his gratitude for those who came today for public comment and encouraged viewers watching to continue to communicate with the Creeks Division.

7. BUSINESS ITEMS

a. Enforcement Update

Recommendation:

That the Committee receive a presentation and discuss the Storm Water/Urban Runoff Pollution Prevention and Enforcement Program.

Documents:

Staff Report – December 2009

Power Point Presentation – December 2009

Speakers:

Jim Rumbley, Code Enforcement Officer

Committee Questions/Discussion:

Committee Members asked questions regarding enforcement cases that were referred to other agencies because they were in other jurisdictions, and what the other agencies were doing; and, whether there are any Project Clean Water follow up statistics.

Mr. Rumbley reported that most enforcement cases outside City jurisdiction are referred to the County of Santa Barbara; and, that he can contact County staff for follow up statistics.

Mr. Wilson noted that draining of pools or spas is not on the exception list, and that it is something he sees often.

Mr. Rumbley reported that it is a violation of the municipal code because some people use copper and chlorine to treat the water, and that the City issues a notice of violation for the first offense. He also requested that people call the enforcement hotline at (805) 897-2688 if they see it happening.

Committee members asked questions regarding what percentage of calls are construction related versus single family homeowner related.

Mr. Rumbley reported that staff receives very few calls on construction sites; and, that an estimate of residential calls would be 40% and commercial about 60%.

Mr. Benson noted that the Code Enforcement Officer is primarily responding to calls about nuisance discharges, not storm water; that large construction sites have requirements for containment and Best Management Practices (BMPs); that staff does see smaller construction violations, such as painting or minor concrete work and someone washing out paint brushes or tubs in the gutter.

Mr. Wilson explained that this is great information to have and requested that Mr. Rumbley return to the Committee in the spring to provide more information.

Mr. Jordan suggested that the next Enforcement Update include more information about nuisance discharges.

Committee members asked questions regarding enforcement calls received after 6:00pm or on the weekends; whether the small 3rd infraction fine is counterproductive; and, whether soapy discharges from pipes along the curb on State Street have been investigated.

Mr. Rumbley reported that if callers can provide pictures or a thorough report during non-business hours, staff will investigate the discharge.

Mr. Benson reported that under the City's Storm Water Management Program (SWMP), the City is required to develop a storm water ordinance over the next calendar year, and that part of that ordinance development will be an examination of the fine structure.

Mr. Rumbley reported that outlet pipes on State Street are not something we have tested for in the past, and that dye testing may be possible.

Mr. Benson noted that the pipe systems throughout the City are complex, and that usually when we see water flowing from one of those pipes staff is able to find out where the water is coming from, and will investigate when appropriate.

Mr. Jordan expressed his frustration with the presence of these discharges downtown in the tourist area.

Mr. Rumbley noted that when staff can determine what parcel it is attached to, we can contact property owners or managers and gain access to the building to investigate further.

Committee members asked questions regarding cleaning up violations when a discharger cannot be located; whether staff is satisfied with City and County staff keeping an eye out for and reporting violations; and, whether there is any training to City and County staff on discharges.

Mr. Rumbley reported that the Streets Division will help with clean up depending on what type of discharge it is, and that the Fire Department has also helped with discharges such as oil spills; that as part of our SWMP requirements, the Creeks Division provides training to City staff, and that staff is very knowledgeable about what constitutes a violation; and, that he will check with the County on their training program.

Mr. Benson noted that the Creeks Division does provide training to all of the City's operational divisions since they are the ones out in the field, and to ensure that City staff does not cause the violations; and, that this is part of the educational process and we have seen a marked improvement on reporting.

Committee members asked questions regarding car washing and calls that the City does not cite; and, whether the enforcement officer educates people about water conservation and the difference between commercial car washes and home washing.

Mr. Rumbley reported that as of now enforcement does not focus on water conservation, but acknowledged that this is something to consider.

Mr. Wilson suggested the Creeks Division purchase a video camera that would be available on call for investigating discharges from pipes.

Mr. Benson noted that the Creeks Division frequently works with the City's Wastewater Division to TV storm drains and pipes, and that they are readily available.

Public Comment:

No one wished to speak.

b. Creeks Restoration and Water Quality Improvement Division Program Funding Guidelines.

Recommendation:

That the Committee:

1. Review the Council-Approved Creeks Program Funding Guidelines and Municipal Code Section 4.09.020;
2. Approve the Staff Recommendation to reaffirm the Creeks Program Funding Guidelines as written. – **For Action**

Documents:

Staff Report – December 2009

Speakers:

Cameron Benson, Creeks Restoration/Clean Water Manager

Public Comment:

Mr. Eddie Harris of the Urban Creeks Council expressed his support of the current Funding Guidelines; that they are well written to determine the appropriate use of Measure B funds; that the work at Bohnett Park and the Arroyo Burro Restoration are great examples of successes for the Division and the Committee; and, that changing the Guidelines would be detrimental and would jeopardize the mission of the Creeks Division.

Mr. Benson noted that Mr. Brian Trautwein of the Environmental Defense Center submitted an email expressing his support for the existing Funding Guidelines.

Committee Questions/Discussion:

Mr. Jordan expressed his concern that this forum seems more of a defensive exercise instead of being proactive; that there should be an established cycle of years for reviewing the Guidelines as a regular discussion or work session item; noted that the word “beach” is not mentioned in the ballot language; that there is a lack of education on the ballot language, and that outreach would be beneficial to keeping the process proactive rather than a defensive act; that it is unfortunate that this type of discussion comes up during poorer financial times, and that it would be more beneficial to the process if it were to take place in a better financial climate; and, that there is adequate flexibility built into the Guidelines, and they provide the needed amount of guidance.

Motion:

Committee members Jordan/Schlueter to approve the staff recommendation to reaffirm the Creeks Program Funding Guidelines as they are written.

Committee Questions/Discussion:

Mr. Wilson expressed his support of the Guidelines as written; noted that the term “technical assistance” is included in the Guidelines several times, and while the intent is good, education is not the same thing as restoration; suggested that the Committee consider including “restoration” in the Guidelines rather than just “plant re-vegetation” on private property, because while re-vegetation is a critical component, there is a lot more to restoration of creeks; and, that including more support to landowners would be in the community’s best interest.

Mr. Jordan suggested that it would be more appropriate for a Subcommittee to meet and consider some of these points.

Mr. Benson noted that he feels that what Mr. Wilson is looking for and suggesting is already within the scope of the existing Guidelines; and, that in addition to the Creek Tree Program, there is additional technical assistance provided to the public through the Storm Water BMP Guidance Manual; that staff has provided training to property owners, engineers, landscape architects, architects, and other professionals; that staff is involved in the development review process, which includes structural stability of banks and plant lists; and, that the Creeks Division also provides a Clean Water Business Program and Business Assistance Program, which help businesses comply with water quality laws.

Mr. Moldaver suggested that Mr. Wilson's item could be discussed further as an agenda item at a later date.

Mr. Wilson expressed his opinion that the Creeks Division has done a superb job, and that he believes the Guidelines are solid and should continue; but, the one aspect that has not succeeded is collaboration and work with private property; that public restoration projects have been fantastic, but that it's very important for the Committee and the Creeks Division to encourage more projects on private property in the future.

Mr. Schlueter noted that he does not believe there is a problem with the language, and that it does not limit the type of restoration or exclude any options; and, that he likes the Guidelines as they are and does not believe a review should be triggered due to economic times.

Mr. Bullock noted that the municipal code specifies that Measure B funds should be used to improve the quality of storm water, to carry out creek restoration improvements, and for projects or programs to improve the quality of the waters; that these three items are simple, but that a large machine has been created to carry out those three items; and, that he will agree with the Guidelines at this time, but that the Committee should have the opportunity to review the Guidelines again in the next few years.

Vote:

Unanimous voice vote.

ADJOURNMENT

Motion:

Committee members Schlueter/Jordan to adjourn.

Chair Moldaver adjourned the meeting at 6:48pm.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Cameron Benson', with a stylized, flowing script.

Cameron Benson
Creeks Restoration/Clean Water Manager